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CALIFORNIA POLYTECHNIC STATE UNIVERSITY
SAN LUIS OBISPO

ACADEMIC SENATE MINUTES
March 12, 1974

- I. The meeting was called to order by Chairman Robert Alberti at 3:15 p.m.
- II. The minutes of the February 12 meeting were approved as submitted.
- III. Those in attendance were:

MEMBERS:

Alberti, Robert
Amazio, Joseph
Bailey, Roger
Batterson, Ronald
Behman, Sara
Burroughs, Sarah
Burton, Robert
Clerkin, Ed
Coyes, Frank
Delany, James
Emmel, James

Fierstine, Harry
Frost, Robert
Gold, Marcus
Graham, Priscilla
Graffenius, R. J.
Harden, Sheldon
Hooks, Robert
Johnson, Corwin
Jorgensen, Nancy
Kourakis, Joseph
Krupp, William
Labhard, Lezlie
Lau, James

Lowry, John
McCormac, Weston
Neel, Paul
Nelson, Linden
Nielsen, Keith
O'Leary, Michael
Rhoads, Howard
Rogalla, John
Rosen, Arthur
Sandlin, Doral
Saveker, David
Scales, Harry
Sennett, Robert

Sorensen, Robert
Sullivan, Gerald
Weatherby, Joseph
Wills, Max
Wolf, Lawrence

EX-OFFICIO MEMBERS:
(Voting)

Anderson, Roy
Andreini, Robert
Loudon, Michael
Olsen, Barton
Whitson, Milo

EX-OFFICIO MEMBERS:
(Non-Voting)

Fisher, Clyde

GUESTS:

Head, Dwayne
Johnston, Thomas
Weber, Barbara
Winslow, Carleton

IV. Committee Reports

- A. Vice President for Academic Affairs Selection Consultative Committee - Frank Coyes, Member
Out of the original 189 applications submitted, the Committee has selected between 30 and 40 applicants who will be considered for the final list of 3 to 6 names to be submitted to the President.
- B. Budget Committee - Ed Clerkin, Chairman
Feedback has been received concerning the questions asked in reference to 60/40, and this will be reported at the next Senate meeting.
- C. Curriculum Committee - Joe Weatherby, Chairman
The Committee has completed review of the School of Science and Mathematics package, and presented the following report to the Senate:

"Pursuant to the Senate Executive Committee's Fall request, this year's Curriculum Committee recommendations are presented in summary form by School.

The Curriculum Committee of the Academic Senate supports the proposals and amendments submitted by the School of Science and Mathematics provided the following committee recommendations are also included:

- Bot 324 Ornamental and Forest Pathology - defer action until we consider the School of Agriculture's package
- Bot 313 Radiation Biology - defer action until course unit change is justified
- Ent 126 General Entomology - defer action until number and prerequisite change is justified
- Chem 598 Internship - approve technical internship but disapprove academic (teaching) internship
- CSc 435 Computer Systems Principles (new course) - defer action pending receipt of changed course description (No. 15)"

It was moved and seconded (Weatherby, Anderson) to endorse and forward to the President the Curriculum Committee's recommendations for the School of Science and Mathematics. The motion passed.

- D. Constitution and Bylaws Committee - Corwin Johnson, Chairman
The following interpretation of the Bylaws was presented to the Senate to assist the Elections Committee in the upcoming elections:

"The Senate interprets Bylaws Section VII.B.1 of the present Bylaws to mean that one member shall be elected from each school and from the Professional Consultative Services each year. To accomplish this and still maintain the integrity of past elections:

1. The election procedure for 1974 and 1975 for the Personnel Review Committee member elections will be held in those schools and Professional Consultative Services where members have completed their terms.
2. Two members shall be elected: one for a two-year term and one for a one-year term.
3. The member receiving the most votes will be the senior member and will serve a two-year term (1974-1976).
4. The member receiving the next highest number of votes will be the junior member and will serve a one-year term (1974-1975).
5. In 1975, there will be an election for members in all schools and Professional Consultative Services.
6. In those schools that have elections in 1974 (Architecture and Environmental Design, Business and Social Sciences, Communicative Arts and Humanities, Human Development and Education), only one member will be elected (in 1975), and that member will be elected for two years (1975-1977).
7. Each year after 1975, one member will be elected to the Personnel Review Committee each year by each school and Professional Consultative Services for a two-year term."

It was moved and seconded (Johnson, Hooks) to endorse this recommendation of interpretation of the Senate Bylaws Section VII.B.1. The motion passed unanimously.

The Constitution and Bylaws Committee introduced as a first reading item an amendment to Section VII.B.1 of the Senate Bylaws. The amendment reads as follows:

"B. Elected Committees and Other Committees

1. Personnel Review Committee

- a. The Personnel Review Committee shall be comprised of a senior member and ~~an XXXXXXXX~~ junior member elected by and from each school from the tenured members and a senior member and ~~an XXXXXXXX~~ junior member elected by and from the Professional Consultative Services from the tenured members. The senior members and ~~XXXXXXX~~ junior members from each school must be from different departments, where applicable. The senior members and ~~XXXXXXX~~ junior members shall serve a two-year, staggered term, with a maximum of two consecutive terms/ with junior member becoming the senior member at the start of the second year of the term and the newly elected member from that school becoming the junior member. Administrators and department heads are not eligible for membership. The chairman shall be elected from and by the committee. A functional committee is dependent upon a quorum of ~~XXX XXXXXX~~ members of XXXX XXXXXXXX a member from each school and Professional Consultative Services.

- b. A member ~~shall not serve~~ shall not serve when review involves ~~his~~ that member's own department or at the request of the member. At the discretion of the chairman of the committee, exceptions to this may be made in the case of review of leaves with pay. If both the members ~~are~~ are disqualified, the Personnel Review Committee ~~may~~ may select a temporary member from that school. If any school is not organized departmentally, its members will ~~not serve~~ not serve whenever any case from that school is being reviewed.
- c. Both the senior and junior members of the committee shall have a vote and shall vote on all matters that are put to vote before the committee, except when they have been disqualified or have disqualified themselves.
- d. The committee shall review all applications for leave with pay. The committee shall review recommendations on retention, tenure, and promotion in those cases where there is disagreement in the recommendations made by the department committees, department heads, and school deans or on request of a faculty member who believes that unusual circumstances have resulted in an unjust decision. When a faculty member presents a written request for ~~his~~ action the committee will ~~not~~ review his case.
- e. The committee shall provide the review of tenure recommendations required by Section 43561 of Title V, California Administrative Code. It shall consult with the parties involved to ensure the effective review of cases brought before it.
- f. The committee shall submit its recommendations directly to the President of the University or his designee."

It was moved and seconded (Anderson, Gold) to accept this as a first reading item. The motion passed.

K. Election Committee - Bob Hooks, Chairman

Nomination and petition forms for Academic Senate Personnel Review Committee members and CSUC Academic Senator will be distributed to all faculty members no later than March 20, 1974. All nomination forms and petitions must be returned to the Election Committee member by Friday, April 5, 1974. On Tuesday, April 9, a slate of nominees for Senate office and membership of the Executive Committee will be presented to the Senate, and additional nominees may be added from the floor. On Tuesday, April 16, elections will be held for Academic Senators, CSUC Academic Senator and Personnel Review Committee members. On Tuesday, May 14, there will be election of Academic Senate officers and Executive Committee members. Nominations shall be reopened.

F. Personnel Review Committee - Thom Johnston, Chairman

The Personnel Review Committee has completed the cycle of review for First Year Reappointments. Four cases were sighted as being in disagreement between levels of review. Requests for review were received from the four faculty members concerned. The President's action on each case was consistent with the analysis the Committee forwarded in its report. The Committee will begin review this Friday, March 15, of material submitted for Promotion Recommendations. Review procedures will be in line with procedures used in previous review cycles. Final reports to the President from the Committee will be submitted by April 10.

G. Instruction Committee - Harry Fierstine, Chairman

The Committee is studying the following: (1) Bookstore Policy on Faculty Nonpublished Materials, (2) Final Examination Policy, (3) Computer Registration, (4) Scheduling of Instructors.

In reference to the "Bookstore Policy on Faculty Nonpublished Materials," the following was reported from the Instruction Committee:

"In the preliminary drafts of their policy document, the Foundation Board developed guidelines that protected them in case of infringement of copyright law and in the payment of royalties. The latter point was quite controversial even though in the history of the bookstore only two or three faculty members ever received royalties. The final statement of the Foundation Board lacks any mention of royalty payment (nor any provision to pay royalties) and thus deletes the only controversial passage. As far as our committee is concerned, we endorse their final proposal with no changes."

H. Personnel Policies Committee - Frank Coyes, Chairman

1. The Committee will re-submit to the Executive Committee a proposal for modification of CAM 342.2.C.1.d relative to "Other Factors of Consideration" in "Criteria for Retention, Tenure and Promotion".
2. A proposal for modification of CAM 315.5, "Appointment of Instructional Department Heads," will be submitted to the Executive Committee for an action item during the April 9, 1974, Academic Senate meeting.
3. A subcommittee of the Personnel Policies Committee has been formed to consider a policy for promotions after the expected elimination of 60/40. The Committee is chaired by Warren Anderson with Roger Bishop, Barton Olsen, Dominic Perello, and David Saveker as members.
4. A subcommittee is also studying additional revisions of CAM 315.5, "Appointment of Department Heads". A proposal will be made at a later date.

I. Student Affairs Committee - Doral Sandlin, Chairman

The Committee is still considering those items that have been referred to it.

J. Research Committee - Dave Saveker, Chairman

The Committee is working on suggestions for increasing research volume throughout the University and hopefully will have a proposal ready in April for Senate consideration.

K. Academic Council - Robert Burton, Academic Senate Representative

At the last Council meeting recommendations were approved for: (1) final examination format, (2) modification of CAM to remove the restriction offering a class at 11:00 a.m. on Tuesday. (See Attachment IV-K.)

V. Business Items

A. CSUC Interlibrary Cooperation

The Faculty Library Committee presented the following "Resolution from the Faculty Library Committee Concerning Sharing of Resources among the Libraries of the CSUC System:"

"The library committee of the Academic Senate seeks the endorsement of the following resolution by members of the Academic Senate at California Polytechnic State University and asks that it then be forwarded to the Chancellor's Office for the attention of the Library Development Advisory Committee.

Whereas, we at California Polytechnic State University, San Luis Obispo, are interested in maintaining and improving the service of our local library, and

Whereas, planning concerning greater sharing of resources among the libraries of the CSUC system is occurring currently, and

Whereas, the library at California Polytechnic State University, San Luis Obispo, because of its considerable distance from any other major library will not receive as fast a courier service for interlibrary loans as will be possible for those libraries situated more closely to one another and since this distance also will prohibit or discourage students from individually visiting other libraries, and

Whereas, we believe that the tentative plans in regard to subject specialization by member libraries will create problems (see attached memorandum of November 1973),

Be it resolved, that the California Polytechnic State University Library should receive special consideration in terms of larger core holdings because of its distance from other libraries in the system and the fact that probably bibliographic low priority areas for this campus actually utilize the library to a greater degree than those areas where bibliographic coverage will be most complete,"

Be it resolved, that money could be spent better for increased local core holdings rather than attempting to provide courier service comparable to those institutions which lie within a metropolitan area, and

Be it resolved, that the Library Committee of the Academic Senate, California Polytechnic State University would welcome the opportunity to be consulted concerning the library needs of our institution and would appreciate a response from the Office of the Chancellor to this resolution.

*(See Annual Library Report, University Library, 1972-73)"

It was moved and seconded (Krupp, Scales) to endorse the Library Committee's report on interlibrary cooperation and forward it to the Chancellor's Office.

It was moved and seconded (Rosen, Andreini) to amend the motion by making the following changes in the last resolved clause of the report: (1) Delete "Library Committee of" in the first sentence; (2) Add after "consulted" and before "library" the following words: "on the above specified special". The motion passed with two abstentions.

Senators questioned the clarity of the first resolved clause. Since there was no objection, the Chairman and the Faculty Library Committee agreed to work together for clearer wording on that particular resolved clause. (Note: The revised wording of the first resolved clause is as follows:

"Whereas, California Polytechnic State University is geographically isolated from other libraries in the CSUC system, and

Whereas, those academic disciplines which, under the proposed plan, would be of low bibliographic priority for this campus actually utilize the library holdings more than those disciplines where bibliographic coverage would be most complete, therefore

Be it resolved, that the California Polytechnic State University Library should receive special consideration in terms of larger core holdings, and")

The main motion passed, endorsing the Faculty Library Committee's report as amended.

B. Honors at Graduation (See Attachment III-A, Academic Senate Agenda, March 12, 1974.)

It was moved and seconded (Sandlin, Andreini) that the Academic Senate accept the recommendation of the Student Affairs Committee concerning "Honors at Graduation," with the following corrections made on the recommendation: (1) Change "California State Polytechnic University" to "California Polytechnic State University". (2) In Item 1, change "3.2" to "3.2 - 3.59". (3) In Item 2, change "3.6" to "3.6 - 4.0". The motion passed unanimously.

C. Senate Directions Committee Recommendation (See Senate Agenda for special meeting of March 5, 1974.)

It was moved and seconded (Rosen, Saverker) to accept the following "Resolution on Senate Reorganization": "The Senate resolves that before further efforts are made to alter the structure of the Senate, the following question be submitted to faculty members as a ballot with arguments presented on both sides:

1. The Senate should represent the teaching faculty including appropriately specified Professional Consultative Services but should include only liaison ("linking-pin") representation from students and academic administrators.
2. The Senate should represent the entire academic community and should therefore include broad representation from academic-administrative personnel and students.

The actual ballot statements and arguments shall be prepared by a subcommittee of the Executive Committee and be submitted to the Executive Committee for approval prior to distribution."

The motion was defeated (25-16, no abstentions) after Senate members debated whether or not the faculty members had been given an opportunity on the recently distributed survey to voice a clear-cut desire for either a "faculty" or "academic" Senate.

Further discussion of the Directions Committee's Report will be continued at the April 9 Academic Senate meeting.

VI. Discussion Items

A. Final Examinations

Harry Pierstine, Chairman of the Instruction Committee, distributed a "Report on Recommendation on Final Examination Policy". It will be on the agenda for the next Executive Committee meeting for consideration as a business item at the April 9 Senate meeting. (See Attachments IV-K and VI-A.)

B. Grievance Procedure Status

Barton Olsen, statewide Academic Senator, reported on recent actions of the CSUC Academic Senate. (See Attachment VI-B.)

VII. Announcements and Information Items

A. Meeting of Local Chairmen, February 28, 1974

Chairman Alberti reported on two items from that meeting:

1. There is a system-wide study of grading practices. The ad hoc Committee on Grading Standards is gaining data from all the campuses relative to the distribution of grades.
2. There is concern about steady-state enrollment and staffing on campuses of the CSUC system.

B. Committee Appointments

Richard Krantzdorf has been appointed by the Executive Committee as the Academic Senate representative to the ASI President's Administrative Cabinet.

C. Senate Newsletter

In reference to the Academic Senate Newsletter which was attached to the agenda for this meeting, Chairman Alberti announced that 150 questionnaires have been returned, indicating that the summary statement would generally be preferred instead of complete minutes.

VIII. The meeting was adjourned at 5:00 p.m.

FINAL EXAMINATION POLICY

Academic Council minutes, February 25, 1974:

"After considerable discussion, a motion was made and seconded to recommend adoption of attachment 5-3 including the substitution of section 484.3 of attachment 6-2. Following additional discussion, the motion passed (9 yes, 2 no).

Academic Council agenda, Attachment 5-3:

484.1 Final Examinations

A. Lecture Courses

The University's schedule for final examinations for lecture courses will be included in each issue of the quarterly class schedule. The schedule as drafted by the Associate Dean, Educational Services, and approved by the Academic Vice President, will designate an examination time for each time block in which lecture sections are normally scheduled. Examinations will be held at the time designated in the schedule and unless previously notified of a change, the examination will be held at the location in which the class was assigned to meet during the quarter.

The maximum time for which a facility will be allotted for a lecture section final examination is as follows:

One hour = section meeting one or two hours per week

Two hours = section meeting three hours per week

Three hours = section meeting four or more hours per week

B. Non-Lecture Courses

Non-Lecture courses will hold the final examination during the last class meeting in the regularly assigned meeting location.

484.2 Final Examinations - Exempt Courses

A. Lecture Courses

All sections of lecture courses will hold a final examination in accordance with the policy established in CAM Section 484.1A, unless the course has been predetermined to be exempt from the University's final examination policy. Examination exemptions may be granted for a variety of reasons, such as unique course content, method of instruction, and/or a more appropriate procedure for establishing a final evaluation of the student's performance in the course. Courses must be predetermined to be exempt from the regularly scheduled final examination. This determination will ordinarily be established at the time the course is proposed by the department to be included in the University's catalog. Courses exempt from the final examination will be so footnoted in the class schedule.

B. Non-Lecture Courses

All sections of non-lecture courses will hold a final examination in accordance with the policy established in CAM Section 484.1B, unless the course has been predetermined to be exempt from the University's final examination policy. Examination exemptions may be granted for a variety of reasons, such as unique course content, method of instruction, and/or a more appropriate procedure for establishing a final evaluation of the student's performance in the course. Courses must be predetermined to be exempt from the regularly scheduled final examination. This determination will ordinarily be established at the time the course is proposed by the department to be included in the University's catalog. Courses exempt from the final examination will be so footnoted in the class schedule.

484.3 (replaced by new language in attachment 6-2 -- see below)

Implementation Procedures

The procedures for designating those current catalog courses which are exempt from the final examination requirement are as follows:

1. Each department will review its courses which are in the 1973-75 catalog and recommend those courses which should be exempt from the final examination requirement to their school dean. Each course so designated must have a full justification submitted to have such exemption approved.
2. The department recommendations, as endorsed by the school dean, will be forwarded to the Academic Vice President for final approval. A list of the approved courses will be sent to the computer center director with instructions that the master catalog be expanded to designate those courses not requiring a final examination.
3. As soon as practical, the computer center will develop program capability to enable the printing in the class schedule of a footnote symbol for each class not requiring a final examination. Class exemption for final examinations will become effective as soon as this information can be publicized in the schedule.

Academic Council agenda Attachment 6-2:

484.3 Final Examinations--Rescheduling

Under exceptional and unusual circumstances, it may be deemed advisable to reschedule a final examination to be held at a time and/or location other than when regularly scheduled. The instructor, anticipating making such a request, will first establish a new tentative time and location with the Associate Dean, Educational Services. If a suitable new time and location can be established, he will then, in writing, submit the request through his department head to the dean of his school. The request will indicate the course and section to be changed, the reason for the request, the new time and place for the examination, an indication that at least two-thirds of the class are in agreement with the change, and a statement that an alternate examination will be held at the regularly scheduled time and place for those students who are unable or unwilling to attend the final examination at the rescheduled hour.

ATTACHMENT IV-K

Memorandum

Robert Alberti
Academic Senate

Date : March 7, 1974

File No.:

Copies :

From : Instruction Committee
Harry L. Fierstine, Chairman *HLL*

Subject: Report on Recommendation on Final Examination Policy

I. Report

A. Background

At the February meeting the Instruction Committee was directed to study the University's final examination policy. It seems that for some time many of the faculty have been in violation of CAM 484 which specifically states that faculty will give a final examination in all courses (see attachment). The Academic Council has been studying the final examination problem and has recently endorsed a new statement that revises CAM (see attached revision). The committee felt that our duties were to review the new revision and either agree with the revision or develop our own statement.

In order to learn what the faculty felt on this issue an open hearing was held on March 5, 1974, from 1210-1430 in Ag. 241. Comments were solicited from those who could not attend. The hearing was advertised in the Feb. 26, 1974, issue of the Cal Poly Report. Specifically the hearing asked for comments on the idea of abolishing the final examination period and in its place extending the period of instruction.

B. Faculty Comments

Written and oral comments were received from at least 10 individual faculty members (one which represented the thinking of the Counseling Center) and from the Biological Sciences Department (approximately 50 faculty). Except for the counseling center group, all stated that faculty should have the option of how to use the scheduled four day examination period. The Biological Sciences Department specifically felt that regulation of the final examination week was no different than regulation of teaching methods. The Counseling Center response suggested that extending the period of instruction was a good and innovative idea.

At least 15 faculty attended the open hearing and most favored the retention of final week. All recognized that current procedures were too rigid. A few were concerned with the regulation of the irresponsible

faculty member who would skip "final examination week" in order to pursue non-academic things. The faculty members in attendance as guests were from the Architecture, Agricultural Business Management, Crops, Electrical Engineering, English, Ornamental Horticulture, Mathematics, and Speech Departments.

C. Committee Rationale

After some deliberation, the Instruction Committee decided that there should be an interim proposal to revise CAM and that there should be a long-term study of the problem. Specifically, the Committee would pursue the issue of abolishing final examination week, but extending the period of instruction (Chico State now has such a policy). The recommended revision was made as flexible as possible.

II. Recommendation

Interim CAM Proposal

484 Evaluations

Evaluations may take many forms and the exact form and number are the sole responsibility of each instructor. They should be consistent with the expanded course outline (unless special permission is granted by the department head).

484.1 Final Evaluations

Scheduled periods for evaluation will be provided by the Associate Dean, Educational Services, for the last four days of the quarter to be used at the discretion of each faculty member.

ACADEMIC SENATE
of
THE CALIFORNIA STATE UNIVERSITY AND COLLEGES

ACADEMIC SENATE

MAR 15 1974

CAL POLY - SLO

MEMORANDUM

Office of The Chairman

DATE: March 13, 1974

TO: Chairs, Local Senates/Councils CSUC
FROM: Charles C. Adams, Chairman *c.c.a.*
SUBJ: Grievance Procedures for Academic Personnel

Attached is a line-in, line-out version of the proposed new grievance procedures embodying changes recommended by the Academic Senate at our meeting last week. We appreciate the excellent analyses and suggestions which came to us from the local faculty senates/councils and individual faculty members. We would now welcome any suggestions you may have, especially identification of critical points on which you think faculty should insist with good-natured inflexibility. Any support which you can give directly or indirectly on such issues will be most welcome. We expect some official Chancellor's Office action within the next few weeks.

CCA:s

3.2 The academic employee and the person designated by the president, with such advice as he or she deems necessary, shall attempt to resolve the matter.

3.3 Each campus shall promptly select a Fact Finding Panel composed of full-time academic employees who are tenured and have attained the rank of full professor or equivalent.

The size of the Panel, which shall be of an even number, shall be established by the president or the president's designee after consultation with the faculty senate or council, prior to each selection of its members, but shall not be fewer than 10 nor more than 20 persons. Furthermore, at least 1/3 of the members shall be the individuals by which the Panel members are selected. The selection process shall be:

2/1/1 The president or the president's designee and a committee of the faculty senate or council shall each prepare a list of proposed Panel members. The total number of persons on each list shall be equal to the number of Panel members to be selected. Any person named on both lists shall receive a number of the Panel. The president or the president's designee shall then select half the number remaining on the committee's list, and the committee shall select the same number from the presidential list. Any time the Panel is selected shall be below full strength, the lists shall be prepared in the manner just described. The number of names on each list being equal to the number of vacancies, the selection process shall begin immediately. This may result in the Panel membership occasionally being one member over the maximum set forth in Section 2/1/1.

Each campus shall select a Fact Finding Panel composed of full-time academic employees who are tenured, with the exception of those serving as academic administrators with the rank of Associate Dean or above. Eligibility for service on the Panel may be restricted at the option of the local campus Senate or Council. Panel members shall be appointed for two year terms, with initial provision for overlapping terms.

The president (or the president's designee) and a committee elected by the faculty shall prepare a roster of mutually acceptable panel members. The size of the Panel shall be one member for each 20 FTE faculty at the campus, except that the Panel shall always consist of at least 10 members, and may, with the concurrence of the faculty Senate or Council, be increased.

3.4 Each Fact Finding Panel shall promptly elect a Chairperson.

3.5 If a resolution satisfactory to the academic employee is not received by him or her within 10 campus working days (which time may be extended by mutual consent of the academic employee and the president or the president's designee) of the first meeting with the person designated by the

2/1/1 ~~REPRESENTATIVE POSITIONS EQUIVALENT TO FULL PROFESSOR ARE GRADUATE ASSISTANT PROFESSOR & CLINICAL INSTRUCTOR/ASSISTANT CLINICAL INSTRUCTOR AND CLINICAL INSTRUCTOR & CLINICAL INSTRUCTOR/ASSISTANT CLINICAL INSTRUCTOR~~

president, pursuant to Section 3.1, of a period within the period within which the academic employee may file a written Request for Fact Finding (Request) with the Panel Chairperson, with a copy to the person designated by the president pursuant to Section 3.1, not later than 15 campus working days from such first meeting. The request shall:

3.5.1 State whether the transaction about which the academic employee complains was or was not substantiated, and the date of such action.

3.5.2 State the date of the first meeting under Step One.

3.5.3 Identify the grounds for complaint in the terms used in Section 2.2.

3.5.4 State facts known to the academic employee and identify the grounds for complaint these facts support.

3.5.5 Be signed and dated by the academic employee.

3.6 Within 5 campus working days of receipt of the Request, the Panel Chairperson shall select by lot 3 members of a Fact Finding Committee (Committee) and one Alternate from among the members of the Panel. The academic employee, members of his or her department or equivalent administrative unit, persons who made recommendations as to the substance of the complaint, and the Chairperson, shall be excluded from service on the Panel during this selection process.

3.6.1 If no Campus Administrative Representative has heretofore been designated by the president, one shall be designated at this time.

3.6.2 As the members of the Committee and the Alternate are selected, the academic employee and the Campus Representative may each exercise a total of two peremptory challenges. A challenge may be made only during the period immediately following the drawing of a name prior to the drawing of the next name.

All challenges must be exercised during the meeting at which the Committee is empaneled. Challenges for cause may be exercised by either party without limit as to number. The Panel Chairperson shall rule on each challenge for cause, and this ruling shall be final. The academic employee and the Administrative Representative may each exercise two peremptory challenges.

- 3.6.3 The Alternate shall participate in all fact finding activities of the Committee, but shall only participate in the Report of Facts Found if a member of the Committee is unable to so participate. An Alternate who does participate in the Report shall thereafter be considered a member of the Committee, and the replaced member shall become the Alternate. In event of inability to proceed of more than one member of the Committee, if the Committee has not yet filed its Report, then the Committee shall be restored to full strength utilizing the process in Section 3.6.2, and shall recommence its investigative function as described in Section 3.10.

- 3.7 Promptly upon being constituted, the Committee shall elect a Chairperson and the Chairperson shall promptly notify the academic employee and the ~~Administrative~~ Administrative Representative of the names of the members of the Committee and the name, office address and telephone number of its Chairperson.

- 3.8 Within 5 campus working days of receipt of the Request, the ~~Administrative~~ Administrative Representative shall file with the Committee's Chairperson the personnel file and all other material upon which the ~~Administrative~~ transaction in question was based and any answer (Answer) the campus wishes to make to the Request.

The academic employee may inspect the personnel file and all other materials and the Answer to his Request, and within 5 campus working days may file an addendum to his Request in light of new information received.

3.9 Initial Determination

- 3.9.1 Considering only the Request, the Answer, the academic employee's personnel file, and relevant laws and policy directives, the Committee, by majority vote, shall first determine whether the matter should proceed further. An affirmative determination may be made only if:

- 3.9.1.1 It reasonably appears that there may be sufficient facts to support at least one ground for grievance asserted.
- 3.9.1.2 All criteria and procedural requirements stated in Section 2.0 and 3.5 of these Rules have been satisfied by the academic employee, who has also complied with all applicable time limits stated in these Rules.

- 3.9.2 ~~A separate determination pursuant to Section 3.9.1 shall conclude the proceedings under these Rules.~~

If the determination pursuant to Section 3.9.1 is negative, reasons for that shall be given in writing. Such a determination shall conclude Step 1. The employee may still proceed to arbitration in Step 2. Such arbitration shall differ from arbitration following fact finding and a determination of a ground for grievance by the Fact Finding Committee in that: (1) the arbitrator may assess the costs of arbitration to either party; and (2) the employee shall post bond to guarantee payment of costs assessed to him or her.

- 3.9.3 If the initial determination is affirmative, the academic employee and the ~~Administrative~~ Administrative Representative each may, within 5 campus working days of his or her notification thereof, provide the Committee's Chairperson with a list of relevant persons and documents of a type customarily utilized at the university or college in ~~personnel~~ transactions such as the one being disputed which might be used as resources in fact finding.

- 3.10 The Committee shall have jurisdiction and authority ~~only~~ to find and report facts and shall exercise this investigative function as follows:

- 3.10.1 The object of the Committee is to informally investigate the matter as to which complaint has been made. Thus, the members of the Committee and the Alternate shall all four together and with all other persons excluded informally interview witnesses involved in the matter, including the academic employee and the ~~Administrative~~ Administrative Representative. The Committee shall collect relevant written records as may be required by the specific grievance. It shall not, in any way, function as an appellate personnel committee.

- 3.10.2 The Committee shall put in writing all of the facts upon which its members agree. If the members of the Committee cannot agree on certain facts, each member's view of such disputed facts shall be placed in the written Report of Facts Found (Report).

- 3.10.3 As to each of the grounds for complaint specified in the Request, the Report shall state whether or not the Committee, by majority vote, finds that ground to be supported by the facts. As to any ground found to be so supported, the facts supporting it shall be specified.

- 3.10.3.1 The format of the Report shall be: "Do the majority of the Committee find that the facts support the grounds of (for example: 'arbitrary action that was substantially prejudicial') asserted by the academic employee?" ("Yes" or "No") (If yes): "The facts supporting that ground are _____."

- 3.10.3.2 ~~Any member of the Committee who is unable to find the facts supporting that ground shall be treated as a dissenting member.~~

3.10.4 Within 15 days working days of its selection, the committee shall file its report with the president of the president's designee.

Within 15 campus working days of its selection, the Committee shall complete a tentative draft Report. This shall be shown to the academic employee and the Administrative Representative, either of whom may discuss it with the Committee. Such discussions shall take place not more than 5 working days after the tentative draft Report has been shown to the academic employee and the Administrative Representative. Within 5 days of the completion of such discussions, the Committee shall file its Report with the president or his designee.

- 3.10.4.1 Concurrently, a copy of the Report shall be filed with the academic employee.
- 3.10.4.2 The ~~18 day~~ time periods in this section may be extended by mutual consent of the academic employee and the president or the president's designee.

- 3.10.5 Within 5 campus working days of the filing of the Report with the academic employee, he or she may file a response with the president or the president's designee, with a copy to the Committee Chairperson.

- 3.10.6 The Report shall not be evidence at any hearing conducted pursuant to these Rules.

- 3.1.1 The person receiving the Report pursuant to Section 3.10.4 shall review the Report, and the academic employee's response, if any, and, with this fresh perspective on the problem ~~and with such advice as he or she deems necessary~~, reconsider the ~~relevant employee's nonverbal denial of reported denial of MISKIL nonrecognition of allegedly transaction complained of~~ and decide upon the action, if any, to be taken in the matter.

- 3.11.1 The person reviewing the Report shall meet with the ~~responsible~~ ~~at the~~ ~~meeting~~ ~~the~~ ~~members~~ ~~of~~ ~~the~~ ~~Committee~~ ~~and~~ ~~also~~ ~~shall~~ ~~receive~~ ~~written~~ ~~advice~~ ~~from~~ ~~the~~ ~~Committee~~ ~~on~~ ~~the~~ ~~disposition~~ ~~of~~ ~~the~~ ~~matter~~. He or she shall also meet with the Committee and discuss the matter.

- 3.11.2 The person reviewing the Report shall make a strong effort to resolve the matter.

4.0 Step Two. Grievance and Hearing De Novo

- 4.1 If a ~~disciplinary~~ presidential action acceptable to the academic employee is not received by him or her within 10 campus working days of the filing of the Report with the president or the president's designee, or the filing of the academic employee's response, if any, pursuant to Step One, ~~or a second filing by the academic employee within 10 days of the filing of the Report with the president or the president's designee, or the filing of the academic employee's response, if any, pursuant to Step One, and if the Report found for the academic employee as to any ground he or she alleged, the academic employee, within 15 campus working days from such date of Report or response filing, may elect to consider the matter a grievance and file one copy of the Request for Fact Finding accompanied by one copy of the Report of Facts Found and the written recommendation of the Committee with the State University Dean, Faculty Affairs (Dean) in the Chancellor's Office. This filing shall constitute a Call for Arbitration (Call) and shall be so entitled. Concurrently, a copy shall be filed with the president. The call may raise only those grounds listed in Section 2. As to which the Report did not find against the employee.~~ If the Report did not find for the grievant on any ground stated in Section 2, the grievant may still proceed to arbitration in Step 2, except that in such a case: (1) the arbitrator may assess the costs of arbitration to either party; and (2) the employee shall post bond to guarantee payment of costs assessed to him or her.

- 4.2 The Dean shall promptly submit any matter properly filed pursuant to Section 4.1, with such explanatory material including information as to case priority as the Dean deems necessary, to the Los Angeles regional office of the American Arbitration Association (AAA), for forwarding to the appropriate AAA regional office for the purpose of determination by one academically oriented arbitrator admitted to practice law before any state or federal court who shall not be a Trustee or an employee of the Trustees of The California State University and Colleges. The arbitrator shall have jurisdiction and authority to determine whether the ~~dispute~~^{dispute} ~~is~~^{is} ~~the result of~~^{is} ~~an arbitrary action,~~^{is} ~~substantial departure from required procedures,~~^{is} ~~or the ignoring of substantial evidence favorable to the grievant,~~^{is} or any or all of these, provided, however, that such action, departure, or ignoring of evidence was substantially prejudicial to the grievant. As to these matters, the grievant shall have the burden of proof. If the arbitrator so finds, then he or she shall either (a) remand the matter to the campus with instructions that the ~~dispute~~^{dispute} ~~of the~~^{of the} ~~arbitrary transaction~~^{arbitrary transaction} complained of be again reviewed for ~~retentional issues,~~^{retentional issues,} ~~which provision of assignment/applicability is applicable,~~^{which provision of assignment/applicability is applicable,} absent whatever defect the arbitrator found existed in the prior review, or (b) where, in the judgment of the arbitrator, the circumstances require it, ~~retain the dispute, deny the~~^{retain the dispute, deny the} ~~violation of assignment~~^{violation of assignment} ~~or any of these modify, in whole or in part, the transaction~~^{or any of these modify, in whole or in part, the transaction} complained of, but only to the extent that ~~any~~^{any} such transaction ~~was previously denied and gave rise to the grievance.~~^{was previously denied and gave rise to the grievance.} Should the

arbitrator exercise the former option, he shall retain jurisdiction in the case until it is resolved to his satisfaction. ~~Any other Rules may not be subject to the same jurisdiction, and the arbitrator shall be so notified. Should the arbitrator exercise the latter option, (b), he or she shall do so presuming that the final decision of the president or the designee of the president was sound, except to the extent findings of fact are not supported by substantial evidence. The arbitrator shall be so notified. Should the arbitrator exercise the latter option, (b), he or she shall do so presuming that the final decision of the president or the designee of the president was sound, except to the extent findings of fact are not supported by substantial evidence. The arbitrator shall be so notified. Should the arbitrator exercise the latter option, (b), he or she shall do so presuming that the final decision of the president or the designee of the president was sound, except to the extent findings of fact are not supported by substantial evidence. The arbitrator shall be so notified.~~ Should the arbitrator exercise the latter option, (b), he or she shall do so presuming that the final decision of the president or the designee of the president was sound, except to the extent findings of fact are not supported by substantial evidence. The arbitrator shall be so notified. Should the arbitrator exercise the latter option, (b), he or she shall do so presuming that the final decision of the president or the designee of the president was sound, except to the extent findings of fact are not supported by substantial evidence. The arbitrator shall be so notified.

- 4.2.1 The Dean's submission shall state the campus or AAA office where the arbitration hearing shall be held.
- 4.2.2 A copy of the submission shall be sent by the Dean to the president and to the grievant.
- 4.2.3 Arbitrators ~~are to~~ shall be selected from men and women who are "academically oriented" in order to assure that persons serving in this capacity have a sufficient knowledge about institutions of higher education so as to understand the nature of faculty grievances and the consequences of the resolutions available in each case. "Academically oriented" persons include (but are not limited to) persons who have served in four-year institutions of higher education, in full-time faculty, administrative or executive positions as well as persons who have served on public and private boards of such institutions of higher education.

4.3 The president or the president's designee may submit an answering statement pursuant to AAA Rule 8 (see Section 4.4 respecting such Rules).

4.4 The arbitration, which shall include a de novo hearing, shall be conducted under the Arbitration Rules of the AAA in effect as of the date of this Executive Order, a copy of which is attached, except as they may vary from the provisions of these Rules, in which case the Rules in this Executive Order govern, and except that all of AAA Rule 7 except the last sentence shall not apply, and that AAA Rules 1, 9, 10, 13, 14, 25, 39, and 44 shall not apply. In the event any applicable AAA rule is changed, the Chancellor may authorize the matter to proceed under the rule as changed, or may make other provision as respects such rule as appropriate. If, at the hearing, the grievant or the campus will be represented by an attorney admitted to practice law before any state or federal court, ~~the grievant shall file a written notification of such representation shall be filed with the Dean not fewer than 10 calendar days prior~~

t) hearing. Failure to so notify shall entitle the ~~grievant~~ other party to at least a 10-day continuance which shall be at the ~~grievant's~~ sole expense of the party which did not comply with the notification requirement. Expenses of arbitration, other than the cost of the stenographic record (as to which see AAA Rule 21) shall be paid by the campus, except as the arbitrator may assess otherwise pursuant to Sections 3.9.2 or 4.1. The travel expenses of witnesses for either side employed by the Trustees shall be paid by the campus subject to Board of Control rules. The expenses of all other witnesses for either side shall be paid by the party producing such witnesses. The cost to grievant of counsel or other representative shall be paid by grievant. There shall be at least 7 names on the list of names submitted pursuant to AAA Rule 12. Prior arbitration awards shall not be used as a precedent for any subsequent case. The arbitrator's decision as to matters properly before him, insofar as consonant with the laws of California and the United States and insofar as consonant with policy directives of the Chancellor's Office and of the campus which predate the grievance and to which the arbitrator's attention was directed in the course of arbitration, shall be final and binding upon the campus and the grievant, ~~unless the Board of Trustees or the Administrative Representative shall have the authority to add to, detract from, or in any way alter the provisions of these Rules, any California statute or regulation, or any policy directive of the Chancellor's Office or of the campus.~~

4.4.1 The arbitrator, if not selected pursuant to AAA Rule 12, may be selected by written agreement of the campus, the grievant, and the Dean.

4.4.2 The days specified in the AAA Rules are calendar days, not campus working days.

4.5 By written agreement of the grievant and the ~~campus~~ Administrative Representative furnished to the AAA, a matter may be settled and withdrawn from arbitration at any time. Such withdrawal shall be final.

4.6 All proceedings, formal and informal, shall be conducted in open or closed sessions at the discretion of the grievant.